

## **CALIFORNIA EARTH CORPS**

### **O-1-1**

The comment is the e-mail transmittal for the comment letter and does not contain any substantive statements or questions about DEIR 2005 and, no further response is necessary.

### **O-1-2**

The commenter is concerned about potential soil contamination of the project site and proximity to an alleged “toxic dump” site across Studebaker Road, south of Loynes Drive. Please note that the hazards and hazardous materials analysis in DEIR 2005 was revised and recirculated for public review on June 2, 2006. Please refer to the Recirculated Draft EIR for additional information.

The Recirculated Draft EIR acknowledges that soil contamination has been documented at the site. As discussed in the Phase I Environmental Site Assessment for the proposed project (Appendix F of DEIR 2005), two Class III Sanitary Landfills had been operational on the west side of Studebaker Road; one south of Loynes Drive and the other in the area of the mobile home park and Bixby Golf Course. Hazardous wastes were not permitted for disposal at these facilities. According to available regulatory records, Solid Waste Assessment Test (SWAT) investigations and groundwater monitoring were conducted within the landfill sites between 1988 and 1995. No USTs, pits, sumps, or other subsurface containment facilities were reported to occur in the disposal site. It was also reported that no administrative civil liability complaints were on file for these sites.

### **O-1-3**

The comment erroneously states that the EIR is incomplete without a Remedial Action Workplan. Section 4.6.5 of DEIR 2005 evaluated the potential impacts due to known and hazardous materials at the project site. Page 4.6-10 indicates that “Completion of a detailed soils investigation and removal of any contaminated soils and/or groundwater is required to prevent significant impact to human health or the environment.” DEIR 2005 also provides a series of Mitigation Measures that outline the steps to be taken towards site cleanup to prevent adverse hazardous materials impacts. Because the site has not been completely characterized, a Remedial Action Workplan has not been approved by DTSC or the CUPA. After the site has been characterized, a Remedial Action Workplan or its equivalent will be prepared for review and approval by DTSC/CUPA. Please note that the hazards and hazardous materials analysis in DEIR 2005 was revised and recirculated for public review on June 2, 2006. Please refer to the Recirculated Draft EIR for additional information.

### **O-1-4**

The comment outlines the commenter’s understanding of the process of developing and gaining DTSC approval of a RAW. Refer to Response to Comments O-1-2 and O-1-3. In a telephone call between Ms. Penny Nakashimi, DTSC Project Manager for cleanup of the surface impoundments at the Generating Station, and LSA, the City’s EIR Preparer, on July 19, 2005, Ms. Nakashimi indicated that the site would be required to follow RCRA procedures for cleanup. Ms. Nakashimi indicated that cleanup of the site would need to be completed prior to construction of any new development and that it would not prevent completion of the EIR process. This statement is consistent with the discussion in DEIR 2005. Please note that the hazards and hazardous materials analysis in DEIR 2005 was

revised and recirculated for public review on June 2, 2006. Please refer to the Recirculated Draft EIR for additional information.

#### **O-1-5**

This comment notes that DEIR 2005 does not identify how the soil on the proposed project site is contaminated. SCAQMD Rule 1166 specifies that if the soil to be graded or otherwise disturbed is contaminated, it will be treated, independent of DEIR 2005 process. This project will comply with Rule 1166. Please note that Section 4.6, Hazards and Hazardous Materials, of DEIR 2005 was revised and recirculated for public review on June 2, 2006. In addition, updated air quality information was included in the Recirculated Draft EIR. Please refer to the Recirculated Draft EIR for additional information.

#### **O-1-6**

This comment asserts that the OEHHA has set the maximum exposure limit of diesel exhaust at  $50 \mu\text{g}/\text{m}^3$ . The comment does not provide a reference documenting this limit. Perhaps the commenter is referring to the California Ambient Air Quality Standard for 24-hour  $\text{PM}_{10}$ , which is  $50 \mu\text{g}/\text{m}^3$ ? According to the OEHHA Air Toxics Hot Spots Program Risk Assessment Guidelines, Appendix D, August 2003, "In August 1998, the ARB identified diesel exhaust as a toxic air contaminant (TAC). In the identification report, OEHHA provided an inhalation noncancer chronic reference exposure level (REL) of 5 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ) and a range of inhalation cancer potency factors of  $1.3 \times 10^{-4} (\mu\text{g}/\text{m}^3)^{-1}$ ." None of these correspond to  $50 \mu\text{g}/\text{m}^3$ . Without more specifics and reference to exposure limit regulations or standards, the comment cannot be addressed further. The EIR lists all feasible mitigation measures appropriate for significant impacts.

#### **O-1-7**

This comment notes that DEIR 2005 does not contain an isopleth of exposure, nor require mitigation of health risks. There is no need to show isopleths of exposure or list mitigation measures because the analysis shows that there is not a significant health risk. See Response to Comment R-1-4 for a detailed discussion of the truck usage, assumptions, and comparisons made for the Diesel Toxics Analysis section of DEIR 2005. DEIR 2005 lists all mitigation measures appropriate for significant impacts.

Please note that a quantitative Diesel Toxics Health Risk Analysis was included in the Recirculated Draft EIR which was made available for public review on June 2, 2006. Please refer to the Recirculated Draft EIR for additional information.

#### **O-1-8**

The comment states that DEIR 2005 does not provide data to show that diesel engines emit less toxicants than gasoline. DEIR 2005 makes no claim that diesel engines emit less toxicants than gasoline engines. There is no need to separately discuss gasoline engine exhaust impacts because diesel-powered vehicles will be far more widely used during construction and diesel exhaust contains more contaminants of concern than does gasoline exhaust. Responses to comments R-1-3 through R-1-5 address potential diesel exhaust emission effects. The analysis indicated that diesel exhaust

emissions will not pose a significant health risk to the public. Please note that updated air quality information was included in the Recirculated Draft EIR which was made available for public review on June 2, 2006. Please refer to the Recirculated Draft EIR, Section 6.0 for additional information, as well as the responses to comments R-R-1-4 thru R-R-1-9.

#### **O-1-9**

The comment states that the air quality analysis in DEIR 2005 does not identify additional mitigation to reduce significant unavoidable impacts. State CEQA Guidelines section states that an EIR must include mitigation, "sufficient to reduce adverse impacts below the level of significance to the greatest extent possible." Mitigation measures are included, as appropriate, in Chapter 4.0 of DEIR 2005 and the Recirculated Draft EIR to reduce impacts to the extent feasible and practicable. Further mitigation is either not sufficient to reduce significant impacts or is not feasible. Therefore, the EIR will not be revised to address this comment.

#### **O-1-10**

The comment mischaracterizes the burrowing owl (*Athene cunicularia*) as endangered. The burrowing owl is a CDFG species of special concern and therefore may be considered a sensitive species. A species of concern is by definition one that is not State- or federally-listed as threatened or endangered. Species of special concern are taxa with populations that are declining seriously or otherwise highly vulnerable to human developments. The California Fish and Game Commission considered a petition to list the burrowing owl as endangered and specifically found that the population status of the burrowing owl did not merit such a listing.

As stated in DEIR 2005, four focused breeding owl surveys of the study area were conducted from March 24 to March 29, 2004. The visits, which included one dawn and three dusk surveys, followed the recommended Burrowing Owl Survey Protocol. While several potential burrows were located, no evidence of burrowing owls or burrowing owl habitation was identified. All burrows were therefore believed to be occupied by mammals such as Beechey ground squirrels (*Spermophilus beecheyi*) or Audubon cottontail (*Sylvilagus audubonii*). The burrowing owl observed on the site may have been an individual that had dispersed temporarily from the adjacent wetlands where the habitat is more conducive to this species. Therefore, occupied burrowing owl habitat is considered lacking on the site. Pursuant to State CEQA Guidelines Section 15126.4(a)(3), mitigation measures are not required for effects which are not found to be significant.

The area surveyed includes approximately 17.8 acres east of Studebaker Road and a small portion of the Los Cerritos Channel immediately north of the Loynes Street Bridge. There is no CEQA requirement for off-site surveys. The entire area to be affected by project construction was surveyed according to recommended Burrowing Owl Survey Protocol. It is not necessary to investigate or survey land located across Studebaker Road to determine possible project impacts because no ground disturbance or other substantial impact will occur in this area.

The California least tern, peregrine falcon, and brown pelican are identified and discussed in the summary of sensitive plant and animal species potentially occurring on the site included in Appendix C of DEIR 2005. The osprey was included in the list of observed animal species in Appendix C of DEIR 2005, and is considered a CDFG species of concern. The osprey was not listed on the sensitive

species list because no known occurrences were recorded in the California Natural Diversity Database (CNDDB). The species was not added to the sensitive species list because it is not likely to forage or nest in the project area. The California least tern was not observed on site and is not expected to forage or nest in the project area because of the sites disturbed nature. The California brown pelican is likely to fly over, but not forage on the site. The American peregrine falcon may occasionally forage in the area, but was not observed on site and is not expected to occur in the project area because of the site's disturbed nature.

#### **O-1-11**

The comment questions why certain listed reptiles and amphibians were not observed. A summary of sensitive plant and animal species potentially occurring on the site is included in Appendix C of DEIR 2005. The project will not impact the Los Cerritos Channel or the AES forebay. Reptile species of concern that have the potential to occur on the site include the southwestern pond turtle and the San Diego horned lizard. The one amphibian observed on site was the Pacific treefrog which is not considered to be a sensitive species. The Channel Island slender salamander (*Batrachoseps pacificus*) occurs only on the Channel Islands. Sensitive amphibian species are generally absent from the project area because of the lack of suitable breeding habitat (high saline concentrations in the soil and lack of ponded water).

#### **O-1-12**

The comment questions why southern tarplant was not found on the project site. LSA biologists performed a reconnaissance-level survey of the project site on February 20, 2004. A burrowing owl breeding season survey was conducted by an LSA biologist between March 24 and March 29, 2004. In addition, a routine jurisdictional delineation was conducted on a small portion of the Los Cerritos Channel immediately north of the Loynes Street Bridge on July 2, 2004. Southern tarplant (*Centromadia parryi* ssp. *australis*) was not observed on the project during any of the site surveys. Similarly, Coulter's goldfield was not observed during any of the site surveys. Coulter's goldfield is not State or federally listed species of concern and there is a low probability of occurrence on site.

#### **O-1-13**

The comment erroneously states the seismic risk was not evaluated in DEIR 2005. GPI (2003) evaluated the seismic risk at the site and Mission Geoscience (2004a) preliminarily evaluated the seismic risk at the site from known faults, including the Newport-Inglewood Structural Zone (NISZ). Both reports were available for public review in Appendix E of DEIR 2005.

Two probabilistic ground response estimates were derived for the proposed project site. Mission Geoscience, Inc. (Mission) estimated preliminary seismic design ground motion as peak horizontal ground acceleration (PHGA) by selecting a 475-year return period as equivalent to the "design basis earthquake (DBE)" as defined in the 2001 California Building Code. The resultant PHGA values from DBE events ranged from 0.435g to 0.452g. According to Mission, the use of 0.45g may be considered as a reasonable PHGA to be used for preliminary seismic design on the project site. GPI also estimated preliminary seismic design ground motion as PHGA. GPI estimated a PGHA of 0.52g (GPI 2003). For the purposes of the analysis in DEIR 2005, the more conservative PGHA (0.52g) was used.

Seismic considerations are evaluated in Section 4.5 of DEIR 2005. As stated on page 4.5-6 of DEIR 2005, a peak ground acceleration of 0.52g can be expected at the project site, with a 10 percent chance of exceedance in 50 years (Geotechnical Professionals, Inc. [GPI] 2003). This strong ground-motion potential could result in significant seismic ground shaking without proper structural design. Mitigation Measure 4.5.1 requires the City to review final design plans for structural engineering compliance and to approve the plans prior to issuance of grading permits. As such, ground shaking and other seismic considerations are identified in DEIR 2005 as potentially significant impacts of the proposed project and mitigation is required.

**O-1-14**

The comment erroneously states that the potential for onsite liquefaction was not evaluated in DEIR 2005. The analysis in DEIR 2005 considered the potential for liquefaction and lateral spreading. As stated in DEIR 2005 on page 4.5-6, most of the subsurface soils are either cohesive soils that do not satisfy the characteristics necessary for liquefaction or are dense to very dense granular soils. Should liquefaction of these layers occur, the estimated magnitude of total dynamic settlement is expected to range between one-half and three-fourths inch. The main impact would be settlement of the ground surface. The projected settlement due to liquefaction is not considered significant; however, mitigation is required to ensure that appropriate design is incorporated to accommodate even the relatively small amount of liquefaction that could potentially occur on the site.

**O-1-15**

The comment states that DEIR 2005 does not assess probable seismic risk and does not contain mitigation to minimize potential seismic risks. Please refer to Response to Comment O-1-13. The comment is in error; the analysis in the DEIR is based upon preliminary geotechnical reports by GPI and by Mission Geoscience (Appendix E of DEIR 2005). Mitigation Measure 4.5.1 requires the incorporation of seismic design parameters in compliance with the most current California Building Code and the Structural Engineers Association of California. The final seismic design will be evaluated based upon the design structure layout, and will be addressed by the project structural engineer who shall adhere to current seismic code.

**O-1-16**

The comment states that Mitigation Measure 4.5.2 does not appropriately mitigate a project impact. Please also see response to Comment O-1-15 and O-1-17. Two preliminary geotechnical reports were prepared for the proposed project and incorporated into the analysis in DEIR 2005. Both geotechnical reports are included in Appendix E of DEIR 2005. As is typical and customary, a final geotechnical report is required to determine foundation and engineering requirements for all structures. Mitigation Measure 4.5.2 ensures that recommendations included in the preliminary geotechnical reports are carried out.

**O-1-17**

The comment states that Mitigation Measure 4.5.3 does not appropriately mitigate a project impact. Geotechnical recommendations for site preparation were specifically addressed by GPI (2003) in their

preliminary geotechnical investigation for the proposed project. Actual site preparation during grading will be based upon final geotechnical reports (see Response O-1-16) and observation and testing services provided under the supervision of both a properly licensed Geotechnical Engineer and Certified Engineering Geologist, as required by the local building official – the City of Long Beach, Building and Safety Department, and the prevailing California Building Code. The final seismic design will be evaluated based upon the design and structure layout and should be addressed by the final geotechnical report and the project structural engineer.

**O-1-18**

The comment states that data from site investigations was not included in DEIR 2005 and that a RAW is required prior to circulation of the EIR. Refer to Response to Comment O-1-4. As discussed in Section 4.6.5 of DEIR 2005, previous subsurface investigations have been conducted at the site, but they were not comprehensive. A summary of these investigations is included in the Phase I (Appendix F of DEIR 2005). There is no requirement for the Remedial Action Workplan or equivalent to be presented in DEIR 2005.

**O-1-19**

The comment states that the toxic dump site across Studebaker should be closed and remediated before construction on the project site can begin. Refer to Response to Comment O-1-2. This site is not considered an environmental concern for the project site and does not require additional investigation under CEQA.

**O-1-20**

The comment states that a RAW is required and that, in the commenter's opinion, all four hazardous waste impacts listed in Appendix G are present on the project site. Refer to Responses to Comments O-1-3 and O-1-4. As discussed on page 4.6-10 of DEIR 2005, "Improper handling of the ASTs, pipeline conveyance systems, and their contents could cause potential impacts to the on-site and off-site environment." DEIR 2005 provides mitigation measures to address tank removal and cleanup of any associated contamination which presents a significant health risk/hazard. This would be accomplished under regulatory agency oversight. DEIR 2005 concluded that with mitigation measures in place, the proposed project would remediate contaminants found on site that pose a substantial health risk and ensure that the project will not exceed any hazardous materials CEQA thresholds.

**O-1-21**

The comment states that no investigative reports are itemized in DEIR 2005. Refer to Response to Comments O-1-3, O-1-4, O-1-18, and O-1-20. No further response is warranted.

**O-1-22**

The comment states that DEIR 2005 is not specific as to which MBPS and SUSMP are applicable to the proposed project. Best Management Practices (BMPs) included as part of the project are presented in Tables 4.7.E, 4.7.F, and 4.7.G. As discussed in Section 4.7.5, water quality modeling and

calculations were conducted based on the proposed BMPs for the project and presented in Table 4.7.I. These results showed that the proposed project with the included BMPs would not exceed CEQA water quality thresholds. Additional feasible BMPs may be incorporated into the project design to provide extra water quality benefits as part of the review and approval of the project SUSMP (Mitigation Measure 4.7.4). Because there are no significant impacts on water quality after all BMPs are applied, there is no further need to mitigate impacts.

#### **O-1-23**

The comment states that the proposed project site lies within the original permit jurisdiction of the California Coastal Commission. The project site and much of the surrounding area is subject to the Local Coastal Program (LCP), a City of Long Beach and California Coastal Commission (CCC) approved land development and land use plan. As stated in DEIR 2005 on page 5.8-7, a Local Coastal Development Permit (LCDP) is required by California State law to permit construction of certain uses in a designated Coastal Zone. Any project in the Coastal Zone that requires discretionary approval will require a Local Coastal Permit. Since the project requires approval of a Conditional Use Permit (CUP) to establish retail land uses in Subarea 19 of the PD-1 zoning district, an LCDP must be approved by the City to allow the project. In addition, the attachment of a sewer pipe to the Loynes Drive bridge will need a separate Coastal Development Permit (CDP) issued by the Coastal Commission because the bridge falls within the Commission's retained jurisdiction over submerged lands.

#### **O-1-24**

The commenter disagrees with language in Mitigation Measure 4.10.1. California State Assembly Bill (AB) 939 requires that every city and county in California implement programs to recycle, reduce refuse at the source, and compost waste to achieve a 50 percent reduction in solid waste being taken to landfills. In order to assist in meeting this goal, once the project is operational, the proposed development will be required to incorporate storage and collection of recyclable materials into the project design and to include provisions for the collection of recyclables in refuse collection contracts. The City aggressively pursues waste reduction and recycling opportunities to ensure that waste diversion goals are met. As such, Mitigation Measure 4.10.1 (referenced in the comment) requires the development of a Solid Waste Management Plan for the proposed project. Although the City is currently in compliance with AB939, the Solid Waste Management Plan will assist the City in its long term effort to meet its waste reduction goals. In addition, the mitigation measure does not reduce potential cumulative impacts related to long-term waste disposal capacity in Los Angeles County to a less than significant level. Because the mitigation is not relied upon to reduce an impact to a less than significant impact, it is appropriate for the Solid Waste Management Plan to be developed and approved by the City prior to issuance of a grading permit when it is more appropriate to adjust operating procedures.

#### **O-1-25**

The comment states that sewage management is not adequately addressed in DEIR 2005. DEIR 2005 includes information regarding proposed improvements to the public sewer system, a description of two alternative private sewer systems to be installed on site, information regarding sewer generation rates, and capacity of sewer lines and sewer treatment plants. In addition, the public services and

utilities analysis in DEIR 2005 was revised and recirculated for public review. Please refer to the Recirculated Draft EIR for additional information.

**O-1-26**

The comment states that DEIR 2005 did not take subsidence issues on Loynes Drive into account. The TIA analyzed study area intersections per the City's requirements. Study area intersections along Loynes Drive were analyzed and project impacts were identified. The TIA addressed mitigation measures to alleviate the project's impact at the study area intersections. Refer to Common Response 1: Loynes Drive.

**O-1-27**

The comment states that proposed Seaport Marina project and the Marina Shores East project were not evaluated in the cumulative analysis for the proposed project. The State CEQA Guidelines Section 15130 (b)(1)(A) states that a Lead Agency must include a "list of past, present, and probably future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency." At the time preparation of the Traffic Impact Analysis (TIA) and DEIR 2005 began, the City identified two approved/pending projects (cumulative) within the project area: (1) 120 Studebaker Road, and (2) the Boeing Specific Plan. At this time, the proposed Seaport Marina project was not considered to be a probable or reasonably foreseeable project given that: (1) no project application had been submitted to the City for that project; (2) the project requires a General Plan amendment; and (3) neither residential nor retail development is permitted on the project site.

By the time City made the decision to recirculate portions of DEIR 2005, an application had been submitted for the Seaport Marina project and the NOP for the proposed Seaport Marina project was issued on May 16, 2005. Therefore, despite the land use permits required for implementation, the City determined that it was reasonable to include cumulative analysis of potential traffic, air quality, and noise impacts of the proposed Seaport Marina and Home Depot projects. Analysis of cumulative impacts was limited to these three topics because the project and cumulative impacts associated with the Home Depot project can be mitigated to a less than significant level for all other topics (with the exception of cumulative solid waste disposal capacity in Los Angeles County).

The cumulative impact analysis conducted for the Draft EIR and Recirculated Draft EIR was conducted consistent with Section 15130 of the CEQA Guidelines and evaluated all projects that the City as Lead Agency deemed appropriate for consideration as cumulative projects. Guided by the standards of practicality and reasonableness, the City made determinations as to which projects were to be evaluated in the Draft EIR and Draft Recirculated Draft EIR. Please refer to Common Response 2 for a further discussion of the evaluation of Seaport Marina.

**O-1-28**

The comment states that traffic data presented in DEIR 2005 conflicts with data presented in another EIR (i.e., Marina Shores East) and with the daily experience of California Earth Corps members in the area. The data presented in the Home Depot traffic impact analysis is based on traffic count data collected within one year from the NOP and methodologies adopted by the City. The Intersection Capacity Utilization (ICU) methodology was used to determine levels of service (LOS) for the



signalized study area intersections, consistent with the City's requirements. This methodology compares the volume-to-capacity (v/c) ratios of conflicting turn movements at an intersection, sums these critical conflicting v/c ratios for each intersection approach, and determines the overall ICU. The resulting ICU is expressed in terms of LOS, where LOS A represents free-flow activity, and LOS F represents overcapacity operation. LOS is a qualitative assessment of the quantitative effects of such factors as traffic volume, roadway geometrics, speed, delay, and maneuverability on roadway and intersection operations. Consistent with the City's requirements, the ICU calculations utilize a lane capacity value of 1,600 vehicles per hour (vph) per lane, and a dual turn-lane capacity of 2,880 vph. Based on the City's requirements, a clearance adjustment factor (ranging from 0.10 to 0.18) was added to each LOS calculation. The City considers intersections with an ICU of 0.90 (LOS D) as the upper limit of satisfactory operations.

DEIR 2005 and the Recirculated Draft EIR identified significant impacts at four area intersections. The manner in which the community experiences significant impacts and existing (pre-project) traffic patterns may vary from person to person. For this reason it is proper that the analysis in DEIR 2005 was based on the ICU methodology explained above. Opinions expressed regarding the CEQA analysis and the community experience of traffic in the project area will be made available for consideration by the decision makers.

#### **O-1-29**

The comment states that DEIR 2005 did not consider the broader implications of the proposed project including the proliferation of Home Depot's in the immediate project vicinity, jobs lost to offshore manufacturers, small business displaced by big box retailers, and the effects on rain forests from imports of hardwood.

DEIR 2005 contains a proper cumulative analysis that was completed pursuant to the requirements of CEQA and the State CEQA Guidelines. The cumulative analysis did not identify any additional proposed Home Depot projects in the immediate project vicinity or in Home Depot's identified market area for the proposed project. The comment does not supply any evidence to support the claim that the proposed project will lead to a loss of jobs due to growth in offshore manufacturing. As stated in DEIR 2005, the proposed project is expected to lead to the creation of approximately 316 full time jobs in Long Beach.

As stated on page 5-1 in Chapter 5.0 of DEIR 2005, the Guidelines for CEQA, Section 15126.2(c), require that an EIR consider and discuss significant irreversible changes that would be caused by implementation of the proposed project to ensure that such changes are justified.

The CEQA Guidelines specify that the use of nonrenewable resources during the initial and continued phases of the project should be discussed because a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary and secondary impacts (such as a highway improvement that provides access to a previously inaccessible area) should also be discussed because such changes generally commit future generations to similar uses. Irreversible damage can also result from environmental accidents associated with the project and should be discussed. DEIR 2005 analyzes each of these issues in Chapter 4.0 and 5.0. This analysis is balanced with the general rule that EIRs should evaluate foreseeable, but not speculative impacts. Analysis of this proposed project's impact on remote luan and other rain forest hardwood imports is too speculative for evaluation.

### **O-1-30**

The comment states DEIR 2005 did not consider other land use options for the project site that would be preempted by project development or growth inducing issues. Regarding analysis of Alternative land uses, project alternatives are discussed in Chapter 6.0 of DEIR 2005. Because the comment did not include any specifics or suggested alternative uses, no further response is necessary. Growth-inducing impacts are discussed in Chapter 5.0, Long-Term Implications, of DEIR 2005. As stated on page 5-3 of DEIR 2005, Section 15126 of the State CEQA Guidelines requires that an EIR analyze growth-inducing impacts. Growth-inducing impact issues usually arise when a project will provide new infrastructure that can be used to serve other projects. The proposed project does include a sewer line extension, but the infrastructure extension is sized to serve only the proposed project. As stated in DEIR 2005, the project will not remove obstacles to growth or induce substantial population or economic growth and no additional analysis is required.

### **O-1-31**

The comment erroneously states that DEIR 2005 did not consider alternate project locations. Alternate Site Locations are discussed in Section 6.1.3 of DEIR 2005. As stated in DEIR 2005, the City is nearly built out, with little vacant land available for development. The General Plan and aerial photographs were used in order to identify potential alternative sites for the proposed project within the City limits. The City Disposition of Vacant Land map (Summer 2001) was also reviewed. This map identifies 11 sites with development potential. The Los Cerritos Wetlands site is the only location in the market area identified by Home Depot. DEIR 2005 also states that a commercial center with a home improvement store is not a water-dependent use and would not be consistent with the Coastal Act. Development of the Los Cerritos Wetlands would result in significant effects to biological resources. Given the limitations imposed by the Coastal Act and the constraints associated with development of coastal wetlands, the use of the Los Cerritos Wetlands as an alternative site for the proposed project is considered infeasible.

### **O-1-32**

The comment states that DEIR 2005 should be revised and recirculated. Portions of DEIR 2005 have been revised and recirculated for public review. The Draft EIR in its entirety (2005 DEIR) and the recirculated portion of the DIER are complete and thorough, and, furthermore, satisfy all CEQA and State CEQA Guideline requirements. Opinions expressed regarding the CEQA analysis will be made available for consideration by the decision makers. The comment does not contain any substantive statements or questions about DEIR 2005 or the analysis therein and, no further response is necessary.

### **O-1-33**

The comment states that DEIR 2005 should be recirculated. Portions of DEIR 2005 have been revised and recirculated for public review. Opinions expressed regarding the CEQA analysis will be made available for consideration by the decision makers. The comment does not contain any substantive statements or questions about DEIR 2005 or the analysis therein and, no further response is necessary.

## **AES ALAMITOS, L.L.C.**

### **O-2-1**

The comment is the e-mail transmittal for the comment letter and does not contain any substantive statements or questions about DEIR 2005 and, no further response is necessary.

### **O-2-1-A**

The comment consists of an introduction and summarizes the role of AES Alamitos, L.L.C. (AES) in the electricity production industry in Southern California, and does not contain any substantive statements or questions about DEIR 2005 and, no further response is necessary.

### **O-2-2**

This comment asserts that the environmental setting and baseline in DEIR 2005 does not include specific information relating to the operation of the Generating Station, however, the comment does not make reference to the setting and baseline information that should be included. In Chapter 3.0, Project Description, of DEIR 2005, the surrounding properties, including the AES Alamitos Generating Station, the Los Angeles Department of Water and Power (LADWP) Haynes Generating Station, and the Pacific Energy tank farm are listed and their locations are identified. These facilities are shown in Figure 3.2 of DEIR 2005. The existing use of the site is also described. It is acknowledged that the Generating Station provides electricity to 2 million homes and that it is strategically important to the electrical grid system serving Long Beach and other areas within Southern California as identified in Response to Comment 6-1. It is also acknowledged that AES plans to expand electrical production at this location in the future as identified in Comment No. 6-1. Since AES sold the proposed Home Depot site to the current property owner, Studebaker LLC, for future development, this site was not considered as part of a future expansion area. Since AES sold this portion of their property, it is reasonable to assume that AES determined that future development of this site would not affect their ability to operate.

### **O-2-3**

The comment states that DEIR 2005 did not acknowledge that the proposed project will result in the congregation of people around the industrial activities that bordered the project site. The proposed use, including a Home Depot, restaurant, and retail uses, are fully described in Section 3.3 of DEIR 2005. It is understood that the proposed use will attract customers that would not visit the existing site, since it is currently a fenced, inactive tank farm. The construction of a commercial development within an industrial land use was evaluated throughout DEIR 2005. This use is consistent with the City's General Plan and Zoning Code. CEQA requires an analysis of the effects of the project on the existing environment. This includes an assessment of any existing conditions that could preclude the use of the site for the proposed purpose. For example, noise attenuation is required for the outdoor seating area of the proposed restaurant to protect diners from excessive traffic noise on Studebaker Road. The comment seems to assert that the "effects on the people that will congregate in the parking lot, the restaurant, and within the proposed building" would be different than that on workers and visitors at the Generating Station, pedestrians and bicyclists, as well as drivers on Studebaker Road and residential neighbors. However, the comment does not indicate what effects are of concern.

A copy of the NOP was mailed to Steve Maghy, Environmental Manager, AES Alamitos Generating Station, on March 19, 2004. The NOP invited comments on the proposed project. It would have been appropriate at that time for AES to submit comments in writing to the City as requested for incorporation into DEIR 2005. Although no comments on the NOP were received from AES, LSA contacted Steven Maghy by telephone on June 1, 2004, to determine if he had any concerns regarding the proposed commercial development adjacent to the Generating Station. A summary of this conversation is provided in Section 4.6, Hazards and Hazardous Materials, of DEIR 2005 and mitigation measures were incorporated into DEIR 2005 to address these issues.

Please note that the hazards and hazardous materials analysis in DEIR 2005 were revised and recirculated for public review on June 2, 2006. Additional mitigation measures were provided with regard to DTSC oversight, hazardous materials use and storage and the project site, and emergency response and evacuation training. Please refer to the Recirculated Draft EIR for additional information.

#### **O-2-4**

The comment states the DEIR 2005 failed to identify the effects of the existing generating units on the people visiting the project site during project operation. As discussed in Section 4.9 of DEIR 2005 and shown in Figure 4.9.1 and Table 4.9.D, ambient noise monitoring was conducted at the site on January 27, 2004 between 10:46 a.m. and 11:26 a.m. (a business day during normal business hours). Sites selected for noise monitoring were based on the areas that generated the most noise as well as proposed land use areas (sensitive receptors). The noise monitoring was utilized to represent typical daytime noise at the site. It is understood that plant noise levels may fluctuate on a day-to-day basis, depending on the extent of the operations each day. The maximum noise level monitored at the site (Table 4.9.D; 70 dBA  $L_{max}$ ) was well below the City exterior daytime and nighttime noise standards for commercial land uses (Table 4.9.G; 80 dBA  $L_{max}$  and 75 dBA  $L_{max}$ , respectively). Since existing noise levels did not exceed these standards, no noise mitigation measures to protect the proposed development from plant noise are necessary.

#### **O-2-5**

The comment states that DEIR 2005 did not evaluate whether emergency response agencies could respond to an industrial accident while visitors are on the project site and further states that the project applicant should be responsible for revisions and implementation of the recommendations in any revised Emergency Response Plans. As discussed in Section 4.10 of DEIR 2005, the proposed project is required to comply with the California Fire Code and the Long Beach Fire Department requirements regarding emergency access and response. In addition, Mitigation Measure 4.10.3 requires that a Security Plan be prepared and approved by the Long Beach Police Department. Compliance with these requirements would allow the City and other agencies to respond to an emergency related to the proposed use of the site.

Section 4.6 of DEIR 2005 acknowledges that the presence of a commercial use adjacent to the AES Alamitos Generating Station could potentially alter emergency response at the station. Mitigation measures require the City Health Department and the CUPA to review the existing Business Emergency Plan, Hazardous Materials Response Plan, and the Risk Management Plan for the Generating Station to determine if any additional measures/revisions are necessary as a result of

project implementation. In addition, as part of this mitigation measure, the City Fire and Police Departments are required to approve the proposed project plans to ensure adequate emergency access and egress procedures are provided. Please note that the hazards and hazardous materials analysis in DEIR 2005 was revised and recirculated for public review on June 2, 2006. Please refer to the Recirculated Draft EIR for additional information.

Because Pacific Energy fuel oil distribution facilities will remain at the site, similar requirements are addressed in the mitigation measures. The City is required to review existing plans for AES and Pacific Energy because the project applicant has no authority to prepare emergency plans for offsite properties.

Please note that the hazards and hazardous materials analysis in DEIR 2005 were revised and recirculated for public review on June 2, 2006. Additional mitigation measures were provided. Please refer to the Recirculated Draft EIR for additional information.

#### **O-2-6**

The comment states that the project should not impact AES's ability to operate and should focus on facilitating the continued and future operation of the generating stations. Refer to Response to Comment O-2-2. The commentor does not indicate how the proposed project would affect the Generating Station's ability to operate or what type of land use AES thinks is acceptable. The commentor also does not indicate what type of mitigation he considers necessary. It is the intent of the proposed project to operate along with the continued operation of the Generating Station. The proposed project would not inhibit or otherwise restrict continued operation of the Pacific Energy fuel oil distribution facilities. Mitigation measures have been provided throughout DEIR 2005 to address potential impacts related to the proximity of the Generating Station and the Pacific Energy facilities. Because there is no evidence or data provided in the comment to justify the claim that environmental conditions are such that the proposed Home Depot center cannot operate alongside the AES facilities, no further response is necessary.

Please note that the hazards and hazardous materials analysis in DEIR 2005 were revised and recirculated for public review on June 2, 2006. Additional mitigation measures were provided. Please refer to the Recirculated Draft EIR for additional information.

#### **O-2-7**

The comment objects to restrictions placed on AES by Mitigation Measure 4.6.8 of the DEIR 2005. Please note that the hazards and hazardous materials analysis in DEIR 2005 was revised and recirculated for public review on June 2, 2006. The City Department of Health and Human Services has determined that restrictions would not be placed on AES with respect to their current operations. The City Department of Health and Human Services has determined that AES' Risk Management Plan and Emergency Procedures would need to be amended to reflect the proximity of sensitive receptors at the project site. The Department of Health and Human Services is requiring the applicant to implement emergency response and evacuation training as well as an emergency alarm system. Additional mitigation measures were provided with regard to DTSC oversight, hazardous materials use and storage and the project site, and emergency response and evacuation training. Please refer to the Recirculated Draft EIR for additional information.

#### **O-2-8**

The comment states that AES cannot comment on mitigation without a full understanding of changes to the regulatory environment and suggests recirculation of DEIR 2005. Refer to Response to Comment O-2-2. DEIR 2005 does not discuss restrictions that would be applied to the Generating Station because the proposed project would not cause a change in the Generating Station operations. As discussed in DEIR 2005, the City acknowledges that the Generating Station is subject to regulations for issues such as air quality, noise, security, and hazardous material management. However, AES' emergency response plans will have to reflect a change in land use if the proposed project is approved for development to document the proximity of public receptors. Please note that Section 4.6 of DEIR 2005 was revised and recirculated for public review on June 2, 2006. Additional mitigation measures to address emergency response training and evacuation of the Home Depot site have been added. Please refer to the Recirculated Draft EIR for additional information.

#### **O-2-9**

The comment states the security of the Generating Station is a concern. The proposed project would be separated from AGS by a 12-foot wrought-iron fence. Mitigation Measure 4.10.3 requires a Security Plan to be prepared and approved by the Long Beach Police Department, including bonded security guards and surveillance cameras at the commercial center. Currently, there are no security guards at the tank farm. The City Police Department has determined that on-site Home Depot and commercial center security and security fencing provide reasonable security for the perimeter fence. Furthermore, AES is responsible for AGS security. The measures to reduce access to AES are included in project plans and operational measures. There is no evidence provided in the comment to substantiate a security concern.

#### **O-2-10**

The comment requests a security analysis and vulnerability assessment be conducted that focuses solely on identification and mitigation of additional security risks to the Generation Station that are directly attributable to the proposed project. Refer to Response to Comment O-2-9.

#### **O-2-11**

The comment requests that project approval include a condition requiring a 24-hour security guard on the project site and more substantial fencing between the project site and the Generating Stations. Mitigation Measure 4.10.3 requires the project applicant to submit a Security Plan for the review and approval of the City of Long Beach Chief of Police and the City of Long Beach Director of Planning and Building prior to issuance of any building permits. At a minimum, the security plan will include:

- Interior and exterior security lighting
- Alarm systems
- Locking doors for all employee locations
- Use of vines and other landscaping to discourage graffiti and unauthorized access

- Bonded security guards
- “No Loitering” signs posted at various locations throughout the project site
- Surveillance cameras for each business and all on-site parking areas
- Surveillance cameras located on site that are capable of thoroughly monitoring Channel View Park, the Vista Street/Loynes Drive intersection, and the Vista Street/Silvera Avenue intersection

Please also note that the public service and utilities analysis was revised and recirculated for public review on June 2, 2006. Please refer to the Recirculated Draft EIR for additional information.

#### **O-2-12**

The commenter is concerned that the proposed project may restrict AES’s continued and future use. Refer to Response to Comments O-2-2, O-2-3, O-2-4, O-2-5, O-2-6, O-2-7 and O-2-8. The proposed project would not affect Generating Station operations; however, AES’ emergency response plans will have to reflect a change in land use if the proposed project is approved for development to document the proximity of sensitive receptors. This is the intent of Mitigation Measure 4.6.8 of DEIR 2005, which has been revised and updated based on comments received. Please refer to the Recirculated Draft EIR for additional information.

#### **O-2-13**

The comment requests that the impact analysis for electricity be revised to discuss a minimum working distance from 66 Kv lines. The City of Long Beach will identify a minimum safe working distance from the 66Kv lines in accordance with applicable federal, State, and local regulations.

#### **O-2-14**

The comment requests additional analysis, revision of the analysis contained in DEIR 2005, and recirculation of the environmental document. Refer to Response to Comments O-2-2, O-2-3, O-2-4, O-2-5, O-2-6, O-2-7 and O-2-8. The City Department of Health and Human Services and CUPA are responsible for reviewing the emergency response plans for AES, the project site and the Pacific Energy tank site for adequacy and coordination. At its discretion, the City will provide any plans for the project site and the Pacific Energy tank site to AES for comment upon their request.

#### **O-2-15**

This comment concludes the comment letter and does not contain any substantive statements or questions about DEIR 2005 and, no further response is necessary.

## **UNIVERSITY PARK ESTATES NEIGHBORHOOD ASSOCIATION (JANICE DAHL)**

### **O-3-1**

The commenter opposes the proposed project. Opinions expressed regarding the CEQA analysis in the Draft EIR and the proposed project will be made available for consideration by the decision makers. The comment does not contain any substantive statements or questions about the Draft EIR or the analysis therein and, no further response is necessary.

### **O-3-2**

The comment states that the physical condition of Loynes Drive was omitted from DEIR 2005. DEIR 2005 and TIA analyzed level of service at intersections along Loynes Drive adjacent to the project site. The report provided the results of the impact analysis and identified project impacts to these locations. Refer to Common Response 1: Loynes Drive.

### **O-3-3**

The comment states that the proposed Seaport Marina project was not included in the traffic analysis. Please refer to Response to Comment L-2-2 and Common Response 2: Seaport Marina for additional discussion of the Seaport Marina project.

### **O-3-4**

The comment erroneously states the DEIR 2005 states that there will be no impact from cut-through traffic and that the cut-through traffic analysis was begun the second week of June in 2005. The cut-through neighborhood analysis was conducted during March 2005, not the second week of June. California State University, Long Beach, and Kettering Elementary School were in session during this time. DEIR 2005 was released for public review in April 2005. Based on the timed surveys, the weekend surveys showed that the direct routes are significantly faster than the cut-through routes. Therefore, DEIR 2005 stated that there is no incentive to use cut-through routes. Refer to Common Response 3: Cut-Through Traffic.

### **O-3-5**

The comment erroneously states that the cut-through traffic analysis was begun the second week of June in 2005. Please refer to Response to Comment O-3-4.

### **O-3-6**

This comment states that the EIR finds that there would be a significant increase in weekend traffic. DEIR 2005 and TIA included a weekend analysis that addressed the project impacts to the circulation system. DEIR 2005 stated that there would be a significant unavoidable impact at two intersections during the weekend peak hour: PCH/2nd Street and PCH/7th Street.



### **O-3-7**

The comment claims that Home Depot implied that that significant air quality impacts are acceptable. The EIR is an information document and as such makes no judgment regarding the acceptability of impacts. Section 4.2 of DEIR 2005 presents existing air quality conditions and an analysis of potential impacts from implementation of the proposed project. DEIR 2005 states that the proposed project would have significant unavoidable short-term construction air quality impacts (NO<sub>x</sub> and PM<sub>10</sub> emissions) after the implementation of all feasible mitigation measures. The proposed project would also have significant unavoidable long-term operational air quality impacts (CO, ROC, NO<sub>x</sub>) due to the lack of feasible mitigation measures to reduce vehicular trip-related emissions. Similarly, the project would contribute to adverse cumulative air quality impacts because the Basin is presently in nonattainment for CO, PM<sub>10</sub>, and O<sub>3</sub>, and the project, in conjunction with other planned projects, would contribute to the existing nonattainment status. Please note that updated air quality information was included in the Recirculated Draft EIR which was made available for public review on June 2, 2007. Please refer to the Recirculated Draft EIR for additional information.

### **O-3-8**

The comment states that Long Beach is already rated as one of the top cities in the nation where causes of death are related to asthma and mentions an article in the Press Telegram that discussed fugitive dust. While Long Beach may be rated as one of the top cities in the nation regarding cases of asthma, this project is not directly related to causes of asthma. The only reference in any Long Beach Press Telegram article related to this project was published on May 4, 2005, which included the following: "The report [DEIR] contends there would be significant and adverse air quality impacts related to the demolition of the oil tanks and grading periods with the sources coming from emissions from construction vehicles and 'fugitive dust' from the graded areas." See the Responses to Comments P-1-16 and P-1-17 regarding health impacts from construction activities. The issues addressed in the comment are fully covered in DEIR 2005 and Recirculated Draft EIR. No further response is necessary.

Please note that updated air quality information was included in the Recirculated Draft EIR which was made available for public review on June 2, 2006. Please refer to the Recirculated Draft EIR for additional information.

### **O-3-9**

The comment states the hours of operation would attract contractors. The proposed project includes a Home Depot Design and Garden Center. Home Depot Design Centers are design and service stores that take projects from concept to completion. Home Depot Design Centers offer homeowners professional design and installation services and carry home improvement and design products. The traditional customer at a design center is a homeowner doing home remodeling or repair or a "buy-it-yourself" customer who will hire a contractor to install the materials purchased. Although Home Depot Design Centers carry products that are purchased by contractors, as reported by Home Depot representatives, contractors are not the primary market for this type of store. The comment does not contain any substantive statements or questions about DEIR 2005 or the analysis therein; and, no further response is necessary.

### **O-3-10**

The comment states that the proposed project may attract day laborers. The possibility that the proposed project may attract loitering and day laborers, which may generate additional demand for police services is discussed in Section 4.10, Public Service and Utilities (page 4.10-18) of DEIR 2005. The City of Long Beach Police Department recommended that Crime Prevention through Environmental Design (CPTED) guidelines be applied during final site plan refinement to reduce potential increases in demand for police services. In addition, Mitigation Measure 4.10.3 requires implementation of a Security Plan to reduce project impacts to police services. According to the mitigation measure, the Security Plan will include all of the following:

- Interior and exterior security lighting
- Alarm systems
- Locking doors for all employee locations
- Use of vines and other landscaping to discourage graffiti and unauthorized access
- Bonded security guards
- “No Loitering” signs posted at various locations throughout the project site
- Surveillance cameras for each business and all on-site parking areas
- Surveillance cameras located on site that are capable of thoroughly monitoring Channel View Park, the Vista Street/Loynes Drive intersection, and the Vista Street/Silvera Avenue intersection

Please note that Section 4.10 of DEIR 2005 was revised and recirculated for public review on June 2, 2006. Please refer to section 4.3 of the Recirculated Draft EIR for additional information.

### **O-3-11**

The comment disagrees with the results of a survey conducted on portions of the Los Cerritos Channel. The entire area to be affected by project construction was surveyed. The area surveyed includes approximately 17.8 acres east of Studebaker Road and a small portion of the Los Cerritos Channel immediately north of the Loynes Street Bridge. A routine jurisdictional delineation was conducted on a small portion of the Los Cerritos Channel immediately north of the Loynes Street Bridge on July 2, 2004. As stated on page 4.3-9, no potential jurisdictional wetlands were identified on the project site or within the portion of the Los Cerritos Channel near the proposed sewer line construction. Therefore, potential impacts to jurisdictional wetlands as a result of the proposed project are less than significant, and no mitigation is required. In addition, implementation of the proposed project would not result in any significant adverse effects to the Los Cerritos Wetlands from project sources such as traffic, light, and noise. These sources already exist and are not expected to increase substantially. DEIR 2005 does include mitigation to prevent any incidental discharge of fill, debris, or other material into the Los Cerritos Channel and the two adjacent water supply channels.

As stated on page 4.3-9 of DEIR 2005, no sensitive plant species were observed or are expected to occur on the project site due to lack of suitable habitat. The project site has been heavily disturbed and contains sparse ruderal vegetation. Therefore, impacts to vegetation and wildlife are less than significant, and no mitigation is required.

**O-3-12**

The comment states the project requires a Local Coastal Development Permit and a Coastal Commission Hearing. Please refer to Response to Comment O-1-23.

**O-3-13**

The comment erroneously states that the proposed project will utilize existing residential sewer lines. Please refer to Responses to Comments L-1-4 and L-1-5. In addition, the public service and utilities analysis was revised and recirculated for public review on June 2, 2006. Please refer to the Recirculated Draft EIR for additional information.

**O-3-14**

This comment states concern regarding the possibility of a ruptured sewer line spilling into the Los Cerritos Channel. To provide added protection against sewage spills into the Los Cerritos Channel, the proposed sewer line will be double walled. In addition, an inspection port near the bridge's east end will identify whether there is a leak in the inner pipe so that corrective measures can be implemented if necessary. Please refer to the Recirculated Draft EIR for a complete description of the proposed sewer line extension. Also refer to Responses to Comments L-1-4, L-1-5, and P-59-5. The comment does not contain any substantive statements or questions about DEIR 2005 or the analysis therein and, no further response is necessary.

**O-3-15**

The quotes provided in the comment refer to calls for fire, medical, and police services. The proposed project will not significantly impact emergency response times. In a letter dated August 2, 2004, the City Fire Department indicated that the additional call volume generated by the proposed project will increase workload in an area of the City where the Fire Department already has response times that are within Department goals. With project implementation, the response profile for the project area will remain unchanged in terms of service delivery.

In addition, the Police Department does not expect existing response times to change with project implementation (Susanne Steiner, Detective, April 12, 2004). The existing response time in the City is, however, 5.2 minutes, which is 0.2 minutes longer than the response time goal of 5 minutes. Therefore, the proposed project will contribute to an existing deficiency. Mitigation Measure 4.10.3 requires implementation of a Security Plan to reduce project impacts to police services. With implementation of Mitigation Measure 4.10.3, project impacts related to the provision of police services will be reduced to a less than significant level. Please note that the public services and utilities analysis in DEIR 2005 was revised and recirculated for public review on June 2, 2006. Please refer to the Recirculated Draft EIR for additional information.

**O-3-16**

This comment suggests that a technical and professional office complex would be a more appropriate use of the project site. Opinions expressed regarding the proposed project and alternatives to the proposed project will be made available for consideration by the decision makers. The comment does

not contain any substantive statements or questions about DEIR 2005 or the analysis therein and, no further response is necessary.

**O-3-17**

This comment suggests that a public storage facility would be a more appropriate use of the project site. Opinions expressed regarding the proposed project and alternatives to the proposed project will be made available for consideration by the decision makers. The comment does not contain any substantive statements or questions about DEIR 2005 or the analysis therein and, no further response is necessary.

## EL DORADO AUDUBON SOCIETY

### O-4-1

Opinions expressed regarding the proposed project and alternatives to the proposed project will be made available for consideration by the decision makers. The comment does not contain any substantive statements or questions about DEIR 2005 or the analysis therein and, no further response is necessary.

### O-4-2

The comment states that traffic cannot be mitigated. The City of Long Beach Traffic and Transportation Bureau staff provided a Development Traffic Impact–Preliminary Assessment form that outlined the study area and methodology for the traffic impact analysis. The intersection of Westminster and Seal Beach Boulevard was outside the project study area. Refer to Responses to Comments L-2-2 and L-2-5.

DEIR 2005 provides three mitigation measures (in addition to nine project design features) to reduce impacts related to traffic and circulation, however, impacts at three intersections cannot be mitigated to a less than significant level. The analysis contained in DEIR 2005 includes cumulative analysis of reasonably foreseeable projects including the project 120 Studebaker Road (Studebaker Road and PCH), and build out of the Boeing Specific Plan.

Additional mitigation measures were provided in the Recirculated Draft EIR to improve traffic circulation in the area. However, the significant and unavoidable impacts identified in DEIR 2005 remain significant and unavoidable.

### O-4-3

The comment states that the California Least Tern has been seen foraging in the Water intake/supply area. The California least tern (*Sterna antillarum browni*), listed as both a State and federal endangered species, historically nested in the vicinity, but was not observed on site and is not expected to nest on the project site because of the site's disturbed nature and lack of suitable nesting habitat (e.g., sand dunes and sand bars). DEIR 2005, however, does not dispute that Terns may forage in the vicinity of the project site.

Nesting migratory birds are protected under the Migratory Bird Treaty Act (MBTA). Preconstruction surveys of the site will identify any nesting migratory birds and construction activity will be modified to avoid disturbance or destruction of active nests until the young have fledged. With implementation of this measure, migratory birds, such as the Least Tern, will not be adversely affected by the project.

### O-4-4

This comment lists species that are found in the Los Cerritos Channel and the San Gabriel River. The comment does not contain any substantive statements or questions about DEIR 2005 or the analysis therein and, no further response is necessary.

**O-4-5**

The comment states that DEIR 2005 states that birds may forage on the project site. Please refer to Section 4.3 and Appendix C of DEIR 2005 for a complete list of animal species observed or otherwise detected on site during site surveys. The comment does not contain any substantive statements or questions about DEIR 2005 or the analysis therein and, no further response is necessary.

## TEACHER'S ASSOCIATION OF PARAMOUNT

### O-5-1

The commenter is concerned about the proposed project because of its proximity to home and a wildlife refuge. Opinions expressed regarding the proposed project and alternatives to the proposed project will be made available for consideration by the decision makers. DEIR 2005 acknowledges the project site proximity to residential areas and the Los Cerritos Wetlands. DEIR 2005 also provides analysis of potential impacts of the proposed project related to traffic and circulation. The comment does not contain any substantive statements or questions about DEIR 2005 or the analysis therein and, no further response is necessary.

### O-5-2

This comment states that an accurate toxic waste report has not been completed. Section 4.6, Hazards and Hazardous Materials addresses potential hazardous materials impacts to human health and the environment at the project site as a result of implementation of the proposed project. The information contained in that section was based on the *Phase I Environmental Site Assessment with Preliminary Methane Soil Gas and Air Sampling* report prepared by MISSION Geoscience, Inc. which was included as Appendix F to DEIR 2005. In addition, the Hazards and Hazardous Materials section was recirculated for public review on June 2, 2006. Please refer to the Recirculated Draft EIR for additional information.

### O-5-3

The commenter is concerned about potential health risks. Please refer to Response to Comments O-5-2 and the recirculated Hazards and Hazardous Materials section contained in the Recirculated Draft EIR.

### O-5-4

This comment requests an extension to the public review period. Pursuant to Section 15105 of the State CEQA Guidelines, DEIR 2005 was circulated for public review for a period of 45 days.

## **UNIVERSITY PARK ESTATES NEIGHBORHOOD ASSOCIATION (LETTER TO THE CITY OF LONG BEACH)**

### **O-6-1**

The comment states that the project and all other proposals should be held in abeyance by a temporary moratorium so that a comprehensive zoning plan can be developed. The proposed project site is in the Planned Development 1 (PD-1) zoning district. PD-1 is also known as the SEADIP Specific Plan area. SEADIP was originally developed as a Specific Plan for a Planned Development District in the City of Long Beach. It was the first segment of the Long Beach Coastal Zone to be systematically planned and zoned according to policies and concerns later enunciated by the California Coastal Act. Please refer to Section 4.8 of DEIR 2005 for additional discussion of SEADIP. The comment does not contain any substantive statements or questions about DEIR 2005 or the analysis therein and, no further response is necessary.

### **O-6-2**

This comment states that Loynes Drive should be re-engineered prior to construction of commercial uses at the intersection of Loynes Drive and Studebaker Road. Loynes Drive is not a designated truck route. Refer to Common Response 1: Loynes Drive.

### **O-6-3**

This comment suggests that the merits of a floating bond should be analyzed to examine the possibility of acquiring land for restoration. Opinions expressed regarding the proposed project and alternatives to the proposed project will be made available for consideration by the decision makers. The comment does not contain any substantive statements or questions about DEIR 2005 or the analysis therein and, no further response is necessary.

### **O-6-4**

This comment suggests that the project should not be constructed until a utility corridor is built below Studebaker Road or Loynes Drive. The Long Beach Energy Department maintains a 14-inch natural gas line in Seventh Street and a 16-inch natural gas line in Studebaker Road. Southern California Edison maintains overhead electric transmission lines on Studebaker Road. The Long Beach Water Department maintains 12-inch and 20-inch water lines in Studebaker Road. The project site does not currently have wastewater/sewer services. The proposed project includes a sewer line extension to the sewer in Vista Street. Please refer to the project description and the public services and utilities section in the Recirculated Draft EIR for additional information about public services and utilities.

The comment also suggests that stormwater runoff not be allowed to flow into the Los Cerritos Channel. As stated in Section 4.7 of DEIR 2005, the proposed project includes Treatment Control BMPs as required by NPDES regulations. Runoff will be directed to vegetated swales at the inlets to the storm drain system. The vegetated swales will collect runoff from parking lots and will typically provide a flow path of five to ten feet before discharging to a drainage inlet. Maintained vegetated swales will reduce suspended solids concentrations and can contribute to infiltration and uptake of sediments, nutrients, metals, and pathogens.



In addition, each outfall will be equipped with a Continuous Deflection Separator (CDS) unit prior to discharge to the supply channels. The CDS units will capture trash and debris and will reduce levels of sediment, oil and grease, and other hydrocarbons. As an additional feature, the CDS units will contain adsorbent materials to assist in collecting free oils and related pollutants. Runoff from the existing facilities (Tank 5 and supporting facilities) that will remain after the project is implemented will be directed to the northern CDS unit for treatment prior to discharge to the supply channel. For additional information about water quality, please refer to Section 4.7 of DEIR 2005.

#### **O-6-5**

This comment incorrectly states that a comprehensive traffic report was not completed for the proposed project. A Traffic Impact Analysis was prepared by LSA Associates, Inc. (LSA) in January 2005. The report is provided was made available for public review in Appendix J of DEIR 2005. Please refer to Section 4.11 of DEIR 2005 for additional information regarding the potential circulation impacts associated with the proposed project.

#### **O-6-6**

This comment states that the negative noise and air quality impacts of the project will result in reduced values of adjacent homes and communities. According to CEQA Guidelines, an EIR is required to evaluate the physical environment impacts of a project, and economic effects that are not related to physical impacts need not be evaluated in an EIR (Guidelines Section 15064(d) and (e)). The comment does not contain any substantive statements or questions about DEIR 2005 or the analysis therein; no further response is necessary.

#### **O-6-7**

This comment states that existing sewer lines beneath District 3 cannot support the proposed project. The proposed project includes the replacement of 265 feet of existing 8-inch public sewer with 10-inch sewer in Vista Street between Daroca Street and Margo Street and the replacement of 261 feet of 8-inch sewer with a 10-inch diameter sewer between the manhole at Daroca and Vista Street and the first manhole in the Golf Course. From there, the wastewater would be conveyed to the Sanitation District's Marina Trunk Sewer, Section 3, located in Pacific Coast Highway north of Loynes Drive.

Replacement of the existing 8-inch sewers with 10-inch sewers will serve the proposed project and correct the hydraulic overloading conditions that currently exist during wet weather conditions. The existing Sanitation District 15-inch trunk sewer has a design capacity of 4.6 mgd and conveyed a peak flow of 1.2 mgd when last measured in 2003. Therefore, there is capacity for increased flows generated by the project.

Please also refer to Response to Comment L-1-4 and the Recirculated Draft EIR.

#### **O-6-8**

This comment states the former Southern California Edison employees disagree with reported contamination levels on the project site and asks for a Phase II analysis to be completed. Refer to Responses to Comments S-1-2, S-1-5, S-1-6, S-1-10, S-1-11, S-1-19, and O-7-7.

**O-6-9**

This comment states that the proposed project should be located elsewhere. The City of Long Beach is nearly built out, with little vacant land available for development. The General Plan and aerial photographs were used in order to identify potential alternative sites for the proposed project within the City limits. The City of Long Beach "Disposition of Vacant Land" map (Summer 2001) was also reviewed. This map identifies 11 sites with development potential. The Los Cerritos Wetlands site is the only location in the market area identified by Home Depot. Constraints to development on that property including ongoing oil extraction, zoning, Coastal Act restrictions on land uses, and property ownership issues. Together these constraints make it infeasible to locate the proposed project on that site.

**O-6-10**

This comment states that all concerns submitted during the scoping process should be included in the Draft EIR. Letters submitted to the City of Long Beach during the scoping process were included in Appendix A of DEIR 2005 (Volume II). Concerns raised during the scoping process were address in the text of DEIR 2005.

**O-6-11**

This comment poses two questions: 1) How much will Long Beach spend to site Home Depot? How much has been spent thus far? This is not a City-proposed project. The comment does not contain any substantive statements or questions about DEIR 2005 or the analysis therein and, no further response is necessary. These concerns will be forwarded to the decisionmakers for consideration prior to making a decision on the proposed project.

**O-6-12**

This comment poses a question: 1) What federal Brownfield remediation funds have been granted or applied for? The City is not aware of any request for site remediation assistance. The comment does not contain any substantive statements or questions about DEIR 2005 or the analysis therein and, no further response is necessary.

**O-6-13**

This comment poses two questions: 1) Has proposed litigation been factored in? 2) How much are revenues of \$2.5 million over 5 years costing us? The comment does not contain any substantive statements or questions about DEIR 2005 or the analysis therein and, no further response is necessary. These concerns will be forwarded to the decisionmakers for consideration prior to making a decision on the proposed project.

**O-6-14**

This comment asks if an economic analysis will be forthcoming. The comment does not contain any substantive statements or questions about DEIR 2005 or the analysis therein and, no further response

is necessary. These concerns will be forwarded to the decisionmakers for consideration prior to making a decision on the proposed project.

**O-6-15**

This comment request that a San Pedro case study be performed on the proposed project. It is unclear what the commenter means by a “San Pedro case study.” The comment does not contain any substantive statements or questions about DEIR 2005 or the analysis therein and, no further response is necessary. These concerns will be forwarded to the decisionmakers for consideration prior to making a decision on the proposed project.

**O-6-16**

This comment disagrees with the traffic distribution used to analyze potential project impacts related to traffic and circulation. As stated in DEIR 2005, trip distribution for the proposed project was based on logical travel corridors and minimum time paths. Project traffic volumes for vehicles both entering and exiting the project site were distributed and assigned to the adjacent street system based on proximity to major arterials (i.e., SR-22, PCH, and Bellflower Boulevard), residential neighborhoods, and the locations of other Home Depot stores in the surrounding area. Approximately 10 percent of the trips are destined northwest via PCH; 15 percent north via Bellflower Boulevard; 20 percent north via Studebaker Road; 5 percent south via PCH; 20 percent east via SR-22 and 2nd Street; and 30 percent west via 2nd Street, Loynes Drive, and 7th Street. Please refer to section 4.11 of DEIR 2005 for additional information. The comment does not include any data or other information to substantiate the challenge to the traffic study. Without any further evidence or justification, no further response is possible.

**O-6-17**

This comment disagrees with the analysis of cut-through traffic in the neighborhoods. DEIR 2005 and TIA included a weekend analysis that addressed the project impacts to the circulation system. Based on the neighborhood analysis, there is no significant benefit in travel time using cut-through routes during weekday peak hours. When the project would generate the most traffic (weekends), it would faster to use arterial streets than cut-through routes. Therefore, there is no incentive to use cut-through routes and increased traffic is not anticipated. Refer to Common Response 3: Cut-Through Traffic.

**O-6-18**

This comment is related to SEADIP but is otherwise unclear. The Southeast Area Development and Improvement Plan (SEADIP), also known as Planned Development District 1 (PD-1) was established by the Long Beach City Council on July 19, 1977 (Ordinance No C-5328). SEADIP was last revised in February 2005. The comment does not contain any substantive statements or questions about DEIR 2005 or the analysis therein and, no further response is necessary.

**O-6-19**

This comment states that a geologist disagrees with the soil findings presented in DEIR 2005. Pursuant to State CEQA Guidelines Section 15151, “Disagreement among experts does not make an

EIR inadequate.” When considering the adequacy of the EIR, the Lead Agency is entitled to weigh the accuracy and sufficiency of the information in the EIR and to decide whether to accept it. The comment does not contain sufficient information to allow a summary of the main points of disagreement among the experts.

**O-6-20**

The comment suggests that the City of Long Beach may experience long term social impacts resulting from allowing more nonunion jobs in Long Beach due to Home Depot’s nonunion hiring practices. As a general rule, an EIR is required to evaluate only the environment impacts of a project, and economic and social effects of a project are not treated as significant effects on the environment (14 CCR §15131(a)). Economic and social effects that are not related to physical impacts need not be evaluated in an EIR.

**O-6-21**

This comment states that the project will result in public nuisances, loss of quiet enjoyment, an increase in crime, less safe roadways, and worsening air quality that will reduce values of adjacent homes and communities. An EIR is required to evaluate the physical environment impacts of a project, and economic effects that are not related to physical impacts need not be evaluated in an EIR. The comment does not contain any substantive statements or questions about DEIR 2005 or the analysis therein and, no further response is necessary. Also, see Response O-6-6.

**O-6-22**

This comment suggests that a revised zoning plan encouraging designation as “open space” is preferred and is appropriate in a modern General Plan. The comment does not contain any substantive statements or questions about DEIR 2005 or the analysis therein and, no further response is necessary. The comment will be forwarded to the decisionmakers for consideration prior to making a decision on the proposed project.

**O-6-23**

This comment threatens a lawsuit if the project is approved. The comment does not contain any substantive statements or questions about DEIR 2005 or the analysis therein and, no further response is necessary. The comment will be forwarded to the decisionmakers for consideration prior to making a decision on the proposed project.

**O-6-24**

This comment states that security issues raised during the scoping process were not addressed in the EIR. Security issues were addressed in Section 4.10, Public Services and Utilities in DEIR 2005 and in the Recirculated Draft EIR.

The comment also states that independent fire and police experts disagree with the conclusions in the DEIR. Pursuant to State CEQA Guidelines Section 15151, “Disagreement among experts does not make an EIR inadequate.” When considering the adequacy of the EIR, the Lead Agency is entitled to

weigh the accuracy and sufficiency of the information in the EIR and to decide whether to accept it. The comment does not contain sufficient information to allow a summary of the main points of disagreement among the experts.

#### **O-6-25**

The comment asserts that “explosions have occurred in large garden centers;” however, this assertion has not been substantiated. The proposed project, including the garden center, will be constructed and operated in accordance with the City Fire Code and subject to inspection by City Fire Department personnel. The comment also includes information regarding an event that occurred approximately 40 years ago, however, City Planning staff does not have information regarding the incident cited. This comment also expresses concern that an individual could intentionally cause an explosion in the garden center that could affect the AGS and the adjacent communities. Mitigation Measure 4.10.3 of the Recirculated EIR requires preparation of a Security Plan for review and approval of the Chief of Police and the Director of Planning and Building. The Security Plan would include locking doors for all employee locations, surveillance cameras, and 24-hour security guards. In the existing condition, the project site is largely vacant and unattended. With implementation of the project, the site activities will be monitored electronically and with onsite personnel.

The comment expresses concern that a terrorist event could cause an explosion at the AGS with subsequent severe consequences to life and safety. As described in the responses above, the security of the project site consists of a 12-foot chainlink fence. The proposed project would result in security improvements that involve a 12-foot wrought-iron fencing as recommended by the Police Department and 24 hour surveillance and monitoring. Therefore, the City does not agree that the proposed project will make the AGS more accessible and less safe.

The project site would be subject to regular Hazardous Materials inspections by the CUPA. Mitigation Measure 4.6.11 requires submittal of an Emergency Response and Evacuation Employee Training Program to the CUPA for review and approval. Drills and training documentation will be reviewed annually by the CUPA for compliance with this requirement.

In summary, the proposed project would be constructed in accordance with all applicable safety codes and subject to 24-hour monitoring. The project does not present an undue risk of explosion.

#### **O-6-26**

This comment describes a scenario whereby an individual could scale the 12-foot wall surrounding the Pacific Energy tank, release oil from the pipelines and ignite it with a cigarette. There is a 12-foot chain-link fence that currently surrounds the property. Therefore, the existing condition and proposed condition for the Pacific Energy tank are similar. There is no regular surveillance or monitoring occurring on the site currently. Refer to Response to Comment O-6-25 regarding the Security Plan.

#### **O-6-27**

This comment describes a scenario whereby an individual could sneak behind the buildings and breach a fence and access the operational oil tanks. Refer to Responses to Comments O-6-25 and O-

6-26. The proposed project would be separated from the AGS by a 12-foot wrought iron fence as required by the Police Department, which is stronger than the existing chain-link fence.

**O-6-28**

This comment requests an extension to the public review period. Pursuant to Section 15105 of the State CEQA Guidelines, DEIR 2005 was circulated for public review for a period of 45 days.

**O-6-29**

This comment requests appeals to any project approvals and indicates that additional information will be forthcoming. The comment will be forwarded to the decisionmakers for consideration prior to making a decision on the proposed project. The comment does not contain any substantive statements or questions about DEIR 2005 or the analysis therein and, no further response is necessary.

## **UNIVERSITY PARK ESTATES NEIGHBORHOOD ASSOCIATION (LETTER TO THE DEPARTMENT OF TOXIC SUBSTANCE CONTROL)**

### **O-7-1**

This comment requests that DTSC intervene on behalf of area residents. The comment does not contain any substantive statements or questions about DEIR 2005 or the analysis therein and, no further response is necessary.

### **O-7-2**

This comment requests an assessment of DEIR 2005 by DTSC and erroneously suggests that known toxins were not addressed in the EIR. Section 4.6, Hazards and Hazardous Materials, of DEIR 2005 addresses potential hazardous materials impacts to human health and the environment at the project site as a result of implementation of the proposed project. The information contained in this section was based on the *Phase I Environmental Site Assessment with Preliminary Methane Soil Gas and Air Sampling* report prepared by MISSION Geoscience, Inc. (Appendix F of DEIR 2005). In addition, DTSC was sent a copy of DEIR 2005 on May 2, 2005 when the EIR was distributed for Public Review.

### **O-7-3**

This comment erroneously states that two acres on the project site contain toxic substances that were not reported in the EIR. Please refer to Response to Comment O-7-2.

### **O-7-4**

This comment asserts that past and former utility employees observed unrecorded spills at the project site. There is no information in the letter or in the record to substantiate these assertions. The comment also indicates that the property owners have asserted that previous soil sampling will be sufficient to protect area residents even though several spills have occurred at the site. The comment implies that there will be not further site characterization or clean-up efforts. In fact, the information, analysis, and mitigation measures in the Final EIR contradict this assertion.

The Recirculated Draft EIR requires preparation of a Resource Conservation and Recovery Act (RCRA) Facility Investigation (RFI) to be overseen and approved by the Department of Toxic Substances Control (DTSC). As described in Section 4.6 of the Recirculated Draft EIR, DTSC will have jurisdiction over remediation at the site and will oversee all remediation operations with CUPA and Regional Water Quality Control Board (RWQCB) involvement as necessary. Refer to Responses to Comments S-1-2, S-1-5, S-1-6, and S-1-10. Please see the Recirculated EIR for further information.

### **O-7-5**

The comment asserts that there are reports conducted for the site that document PCBs, lead, arsenic, heavy metals, spilled crude oil, diesel fuels, "PIG" and other banned oxidizers and solvents including benzene, toluene, carbon tetrachloride and other carcinogenic substances as well as sporadic radioactivity above and below ground throughout the site. As reported in DEIR 2005 and the Recirculated Draft EIR, past reports indicate that shallow soils are impacted with petroleum

hydrocarbons and arsenic. Asbestos, lead-based paint and PCBs are presumed to be contained in structures at the site. There is no information in the letter or in the record to substantiate the assertions with regards to the other hazardous materials listed in the comment. Refer to Responses to Comments O-7-4 and S-1-19. DTSC has reviewed report documentation for the site and has determined that a RCRA RFI is the appropriate means to identify and guide remediation efforts for the site. Please see the Recirculated Draft EIR for further information.

**O-7-6**

This comment requests a full assessment of the site due to the potential release of toxic substances during excavation and grading. Refer to Responses to Comments O-7-4, O-7-5. In addition, Mitigation Measure 4.6.8 requires preparation of a Soil and Air Monitoring Program and a Health and Safety Plan to be implemented during all soil-disturbance activities. Please see the Recirculated EIR for further information.

**O-7-7**

This comment asserts that former employees have indicated that soil at the site is contaminated. There is no information in the letter to support this assertion. The comment also states that several former employees have contracted cancer due to exposure at the premises and that there is a higher than normal cancer rate due to past and present exposure to both power plants. Again, there is no information in the letter or in the record to substantiate this assertion. Refer to Responses to Comments O-7-4 and O-7-5. The RFI will “gather all data to support a risk and/or ecological assessment” as listed in the RFI Scope of Work (Appendix E of the Recirculated EIR). DTSC will review the risk assessment and will determine what clean-up levels are appropriate for the site. Mitigation Measure 4.6.2 requires DTSC closure status and no commercial land use restrictions for the site prior to grading and Mitigation Measure 4.6.6 requires remediation of the site in accordance with pertinent regulations as overseen by DTSC; CUPA and RWQCB will be involved as applicable. Please see the Recirculated Draft EIR for further information.

**O-7-8**

This comment states that the EIR ignores groundwater contamination that affects the Los Cerritos Channel and the Los Cerritos Wetlands. The comment also asserts that petroleum smells and steam fallout are not addressed in DEIR 2005. Section 4.6 of DEIR 2005 and of the Recirculated Draft EIR state that “there is the potential for groundwater at the site to be contaminated from past releases” associated with the surface impoundments on the AGS site and that groundwater has been impacted by past industrial activity. The Phase I Environmental Site Assessment prepared for the proposed project (Appendix F of DEIR 2005) included air sampling for volatile organic compounds and methane. Based on the sampling and testing results, the Phase I Environmental Site Assessment determined that air quality at the project site was not currently an environmental concern. Refer to Response to Comment O-7-6 regarding air monitoring and to Responses to Comments O-7-4 and O-7-7 regarding site remediation.



#### **O-7-9**

The comment requests assessment, description and quantification of “super toxins” on the property on the west side of Studebaker Road between 2nd Street and Loynes Drive. This property is not part of the project site. The proposed project would not impact the area west of Studebaker Road, therefore, and no site assessment was conducted for the area west of Studebaker Road as part of the Home Depot project. As reported in the Phase I Environmental Assessment prepared for the proposed project (Appendix F of DEIR 2005) the property at this location operated as a Class III landfill (non-hazardous wasted landfills; accepted ordinary household and commercial refuse) between 1949 and 1960. Solid Waste Assessment Test investigation and groundwater monitoring were conducted between 1988 and 1995. No USTs, pits, sumps, and other subsurface containment facilities were reported to occur in this disposal site. The Phase I report database did not find any superfund sites within a one mile radius of the project site. Please refer to Appendix F of DEIR 2005 for further information.

#### **O-7-10**

This comment requests that DTSC help concerned area residents gain knowledge of risks and health hazards associated with the landfill site on the west side of Studebaker Road between 2nd Street and Loynes Drive. The comment states that the landfill contains Acrolein, a chemical milling residue and other power carcinogens. Refer to Response to Comment O-7-9. This comment does not address environmental conditions at the Home Depot project site or potential impacts associated with the proposed project, therefore, no further response is necessary.

#### **O-7-11**

This comment requests DTSC assert “Felando Act” protections on behalf of the University Park Estates Neighborhood regarding the landfill site on the west side of Studebaker Road and from the former SCE property (AGS). The comment requests that “toxins” be fully analyzed and health risks assessed. The proposed project does not propose any changes to the former landfill site. The project site was formerly part of the AGS site. DTSC will be responsible for overseeing remediation of the project site. Refer to Responses to Comments O-7-4, O-7-5, and O-7-7. Please refer to the Recirculated Draft EIR for further information.

#### **O-7-12**

This comment provides City contact information and asks that DTSC request an extension of the comment period. The comment asserts that there is a clear and present danger to health, waters, and wetlands. There is no information in the letter or in the record to substantiate these assertions. DTSC will be responsible for overseeing remediation of the project site. Refer to Responses to Comments O-7-4, O-7-5, and O-7-7. DEIR 2005 did not find any potentially significant impacts to waters or wetlands associated with the project as long as precautionary protective barriers are in place during construction to prevent discharge of fill or debris into Los Cerritos Channel (Mitigation Measure 4.3.1). Compliance with City Standard Urban Stormwater Management Plan (SUSMP) standards is sufficient to protect water quality as determined by the RWQCB who issued the City’s NPDES permit. Please refer to DEIR 2005 and the Recirculated Draft EIR for further information.

## **VILLAGE ON THE GREEN HOMEOWNER'S ASSOCIATION**

### **O-8-1**

The commentator opposes the proposed project. Opinions expressed regarding the proposed project and alternatives to the proposed project will be made available for consideration by the decision makers. The comment does not contain any substantive statements or questions about DEIR 2005 or the analysis therein and, no further response is necessary.

## **CITIZENS OF UNIVERSITY PARK ESTATES**

### **O-9-1**

This comment is introductory. The commentator opposes the project. Opinions expressed regarding the proposed project and alternatives to the proposed project will be made available for consideration by the decision makers. The comment does not contain any substantive statements or questions about DEIR 2005 or the analysis therein and, no further response is necessary.

### **O-9-2**

Refer to Common Response 1: Loynes Drive.

### **O-9-3**

The comment erroneously states the DEIR did not consider neighborhood cut-through traffic. As stated in DEIR 2005, a neighborhood cut-through traffic analysis was conducted in March 2005. Based on the result of the timed surveys, the difference in travel times between the direct and cut-through routes range between 15 seconds to 36 seconds during the a.m. peak hour for inbound traffic. The direct outbound route via Loynes Drive and PCH is approximately 1 minute and 41 seconds faster in the a.m. peak hour and 2 minutes and 42 seconds faster in the p.m. peak hour than the cut-through route. Therefore the timed surveys conducted in the University Park Estates showed that the cut-through route did not result in a substantially travel time benefit for motorists. For this reason, this route would not be seen as an attractive travel route for most motorists. Some motorist may choose to utilize this route, but it is unlikely that the proposed project will significant impact the neighborhood street system.

### **O-9-4**

The comment states that the DEIR did not address the condition of Silvera Avenue. It is unclear from the comment what should have been addressed about Silvera. The comment does not contain any substantive statements or questions about DEIR 2005 or the analysis therein and, no further response is necessary.

### **O-9-5**

The comment suggests that planned developments were not included in the cumulative impact analysis for traffic. As stated in DEIR 2005 in Section 4.11, two cumulative projects were identified in the cumulative condition based on discussions with the City of Long Beach and City of Seal Beach Planning Departments: (1) 120 Studebaker Road, and (2) the Boeing Specific Plan. Project trip generation for both approved/pending projects was provided by the City of Long Beach and City of Seal Beach Planning Departments. In addition, the Recirculated Draft EIR contains cumulative analysis that includes the proposed Seaport Marina project. Refer to Response to Comment L-2-8 and Common Response 2 for additional information. Please also refer to the Recirculated Draft EIR for additional information.

#### **O-9-6**

The comment erroneously states that the EIR implies that significant air quality impacts are acceptable. The EIR is an information document and as such makes no judgment regarding the acceptability of impacts. Section 4.2 of DEIR 2005 presents existing air quality conditions and an analysis of potential impacts from implementation of the proposed project. DEIR 2005 states that the proposed project would have significant unavoidable short-term construction air quality impacts (NO<sub>x</sub> and PM<sub>10</sub> emissions) after the implementation of all feasible mitigation measures. The proposed project would also have significant unavoidable long-term operational air quality impacts (CO, ROC, NO<sub>x</sub>) due to the lack of feasible mitigation measures to reduce vehicular trip-related emissions. Similarly, the project would contribute to adverse cumulative air quality impacts because the Basin is presently in nonattainment for CO, PM<sub>10</sub>, and O<sub>3</sub>, and the project, in conjunction with other planned projects, would contribute to the existing nonattainment status.

#### **O-9-7**

This comment states that construction would cause contaminated soils from the tanks to release toxins into the air. As discussed in DEIR 2005, and the Recirculated EIR, the project site would be remediated prior to commencement of construction and soil and air monitoring would be required during soil disturbance activities. Refer to Responses to Comments S-1-2, S-1-5, S-1-6, S-1-10, S-1-16, and S-1-19. Please see the Recirculated EIR for further information.

#### **O-9-8**

This comment states that a Phase I and Phase II study should be performed at the site to evaluate the risks. A Phase I Environmental Site Assessment was prepared for the proposed project (Appendix F of DEIR 2005), which evaluated potential risks and provided recommendations regarding recognized environmental conditions at the site. An investigation will be performed consistent with DTSC standards and any contamination will be remediated. This investigation would be considered a "Phase II" investigation. Refer to Response to Comment O-9-7. Please see DEIR 2005 and the Recirculated EIR for further information.

#### **O-9-9**

The comment expresses concern about day workers from the project site entering the nearby neighborhoods. Mitigation Measure 4.10.3 requires a Security Plan for the proposed project that includes Surveillance cameras located on site that are capable of thoroughly monitoring Channel View Park, the Vista Street/Loynes Drive intersection, and the Vista Street/Silvera Avenue intersection. In addition to "no loitering" signs, bonded security guards will monitor on-site activities to discourage illegal activities. With mitigation, there are no significant environmental impacts related to security.

#### **O-9-10**

The comment erroneously states that potential impacts to the Los Cerritos Channel and Wetlands were not considered. Potential impacts to the Los Cerritos Channel and Wetlands were addressed in Sections 4.3 and 4.7 of DEIR 2005.

**O-9-11**

The comment erroneously suggests that the size of the office/industrial park alternative was made to appear larger so as to make potential impacts appear worse. The size of the light industrial alternative was based on the property owner's evaluation of the maximum amount of square feet he could develop to provide a first floor with light industrial use and a second floor with associated offices and meet zoning code requirements, i.e., 30 percent open space, parking space ratio, etc. These requirements were verified by the project architect. An area of 350,000 square feet met these requirements.

In fact, the Existing Zoning/Light Industrial Alternative is based on the IG zone, and the maximum lot coverage permitted under IG standards is 80 percent. The alternative as evaluated in the DEIR, however, the SEADIP open space requirements (30 percent of the site) were applied, which reduced the maximum lot coverage to 70 percent. In addition, all of the required the number of parking spaces for this alternative (700 spaces) are provided on-site. Therefore, the light industrial alternative reflects a land use intensity which is less than what would be allowed under the traditional IG zoning.

**O-9-12**

The comment concludes the letter and expresses opposition to the proposed project. The comment does not contain any substantive statements or questions about DEIR 2005 or the analysis therein and, no further response is necessary. The comment will be forwarded to the decisionmakers for consideration prior to making a decision on the proposed project.

## **AES ALAMITOS, LLC**

### **O-10-1**

This comment states that AES does not oppose the project. Opinions expressed regarding the proposed project will be made available for consideration by the decision makers. The comment does not contain any substantive statements or questions about DEIR 2005 or the analysis therein and, no further response is necessary.